

TIVERTON TOWN COUNCIL AGEN DA
Tiverton Town Hall
343 Highland Road
Tiverton, Rhode Island 02878
Regular Meeting: Tuesday, October 14, 2014 at 7:00 p.m.

NOTE: Individuals requesting interpreter services for the hearing impaired must contact the Town Clerk's Office at 343 Highland Road or call (401) 625-6704 forty-eight (48) hours in advance of the meeting date.

DATE POSTED: 10-10-2014

1. PLEDGE OF ALLEGIANCE TO THE FLAG

2. ROLL CALL

Edward Roderick-President

Joan B. Chabot

Jay J. Lambert

Denise M. deMedeiros-Vice President

William P. Gerlach

Brett N. Pelletier

James J. Arruda

3. APPROVAL OF CONSENT AGENDA

All items listed with a (CA) are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests and the Town Council President permits, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

4. A. BUSINESS BROUGHT BEFORE THE COUNCIL

CONSENT AGENDA:

- (C.A.) 1. a. Approval of Regular Council Meeting Minutes August 12, 2014 – No Executive Session Held
b. Approval of Regular Council Meeting Minutes August 25, 2014
c. Approval of Special Council Meeting Minutes September 29, 2014
d. Approval of Special Meeting and Workshop Minutes of December 19, 2013
e. Approval of Workshop Minutes December 5, 2013
Councilors Pelletier and deMedeiros Abstain – Not Present
f. Approval of Workshop Minutes November 20, 2013

- (C.A.) 2. Receipt of Minutes from the Following Boards, Commissions
a. Board of Canvassers (3)
b. Cemetery Commission
c. Economic Development Commission (2)
d. Library Trustees
e. Open Space & Land Preservation Commission (2)
f. Personnel Board

- (C.A.) 3. Correspondence – Receive and File
a. Town of Glocester Town Council Resolution in Opposition to RIGL 44-3-3(9) – Taxation
b. Susan Gill Regarding Comments at Discover Newport Regarding Tiverton Crossings Project

- (C.A.) 4. Approval of Resolution Proclaiming October 19-25 as National Friends of Libraries Week in Tiverton

- (C.A.) 5. Tax Assessor – Approval of Abatements

- (C.A.) 6. Planning Board Administrative Officer Kate Michaud – Activity Report for September 2014

- (C.A.) 7. Town Administrator – Distribution of Monthly Overtime Report for September

(C.A.) 8. Town Administrator - Distribution of Department Monthly Reports for September

(C.A.) 9. Ratification of Fuel Contract

A-10- OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS

B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS **PUBLIC PRESENTATIONS**

C. TOWN COUNCIL SITTING AS BOARD OF LICENSING **ADVERTISED PUBLIC HEARINGS**

1. Sakonnet River Outfitters, 0 Main Road (Corner of Main and Haskins Road) Plat 117, Lot 224- Request Approval of Indoor Shooting Range License – Subject to Meeting All Legal Requirements Continued From September 29th Special Hearing – Request by Mr. Lebeau for Continuance to December 8th for Further Review by Planning Board

D - APPOINTMENTS & RESIGNATIONS:

Resignations

1. Board of Canvassers - Resignation of Charles M. Moran, Jr. - Alternate Board Member
2. Conservation Commission - Joseph Grimard
3. Tiverton Library Board of Trustees - Resignation of James R. Barrett

Appointments

4. Personnel Board – Two Expired Terms to 10/15/2015 and 10/15/2016
 - a. Donna Cook, 192 Hilton Street
 - b. Janice E. Hughes, 36 Holly Lane
 - c. Nancy Roderick, 19 Sparrow Drive
5. Harbor & Coastal Water Management Commission – One Year Term Expiring 7/15/2015
 - a. Steven W. Anderson, 89 Songbird Lane
6. Recreation Committee – Three Year Term Expiring 4/15/2017
 - a. Tom G. Pearce, Jr., 49 Antelope Way
7. Historical Cemetery Committee – Three Year Term Expiring 4/15/2017
 - a. Linda Albernaz, 364 King Road

E - UNFINISHED BUSINESS:

F – FINANCIAL BUSINESS:

G - NEW BUSINESS:

1. North Tiverton Volunteer Fire Department – Approval to Move the NTVFD Monument and Bell From Its Present Location of 85 Main Road to Pocasset Cemetery
2. Town Clerk - Charter Complaints
 - a. Copy of Charter Complaint Filed on July 28th by James S. O'Dell Against Town Council Relative to Hiring a Town Planner – Referred to Municipal Court Judge

- b. Decision of Municipal Court Judge James A. Donnelly, Jr. from August 25th Hearing on Charter Complaint Relative to Hiring a Town Planner
 - c. Complaint Filed September 24th by James S. O'Dell Against Judge James A. Donnelly, Jr. Relative to Hearing the Charter Complaint Against the Council on the Hiring of a Town Planner - Scheduling of Process for Town Council Hearing and Possible Hiring of Special Counsel
 - d. Charter Complaint Filed October 2nd by James S. O'Dell Against Council Relative to Salary for Building Official – Filed with Municipal Court on October 7th
- 3. Town Administrator – Approval of Three Year Extension of WasteZero Contract to 2017
 - 4. Town Administrator–Ratification/Withdrawal of DEM Grant Application for Storm Water Compliance
 - 5. Town Administrator – Approval of Direct Energy Contract

H – BIDS AND REQUESTS FOR PROPOSALS

I - TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS

- 1. Street Lights – Discussion Regarding Potential Proposal of Purchasing Street Lights
- 2. Resignation of John P. Lincourt as Tiverton Wastewater Superintendent

J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS

K – TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS

- 1. Town of Tiverton v. James and Melissa Pelletier
 - a. Municipal Court Complaint
 - b. Transcript of Sentencing Hearing
- 2. Solicitor Letter Regarding Liquor License for 77-79 Main Road (Formerly Buddy's)
- 3. Fire Department Investigation – Attorney DeSisto Report

L- TOWN CLERK ITEMS AND ANNOUNCEMENTS

- 1. Annual Volunteer Appreciation Night
- 2. Poll Locations for General Election November 4, 2014

5. CLOSED EXECUTIVE SESSION

- 1. Solicitor – Litigation - 42-46-5(a)(2) – Town of Tiverton v. James and Melissa Pelletier
- 2. Solicitor – Litigation – 42-46-5(a)(2) – Bay Street Remediation
- 3. Solicitor – Litigation - 42-46-5(a)(2) – McLaughlin v. Town of Tiverton
- 4. Solicitor – Litigation – 42-46-5(a)(2) – Sakonnet River Bridge Tolls

A portion of this meeting may be held in executive session pursuant to the Open Meeting Law, Section 42-46-5(a) of the General Laws of Rhode Island, 1956 (1986 Reenactment), as amended

6. ADJOURNMENT Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”